

Commonwealth of Massachusetts
Department of Telecommunications and Energy

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NSTAR Electric Co. Standby Rates)
_____))

D.T.E. 03-121

**Petition of
Constellation NewEnergy, Inc.
for Leave to Participate**

Pursuant to 220 CMR § 1.03 Constellation NewEnergy, Inc. (“Constellation”) hereby petitions the Department of Telecommunications and Energy (the “Department”) for leave to participate.

In support of this petition, Constellation states as follows:

1. Constellation is a competitive retail electric supplier, licensed by the Department. Constellation is currently serving customers, and marketing products to additional customers, throughout Massachusetts, including the NSTAR Electric service territory.
2. This proceeding concerns the petition of NSTAR Electric for approval of a standby rate for customers who have on-site generation.
3. Constellation will be substantially and specifically affected by this proceeding. The standby rate proposed by NSTAR Electric would substantially affect the economics of supplying electricity to customers with on-site generation. It would also substantially affect the ability of Constellation to offer integrated solutions to customers that include on-site generation.
4. Constellation’s petition is being filed late. The filing deadline was inadvertently missed due to the press of business. However, allowing Constellation’s

petition at this time would not interfere with the orderly conduct of the proceeding.

Constellation seeks no changes in the procedural schedule or any other matter that has been decided to date. Indeed, given Constellation's experience as a competitive supplier in other states across the country, its participation will assist the Department in its review of the issues raised herein.

5. Through counsel, NSTAR Electric has informed Constellation that it will not oppose this petition.

6. Constellation seeks to participate in this proceeding, and, where appropriate, to submit oral and written comments, to submit briefs, and to receive copies of all filings.

WHEREFORE, Constellation respectfully requests that the Department grant its Petition for Leave to Participate.

Respectfully submitted,
CONSTELLATION NEWENERGY, INC.
By its attorney,

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